

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	10 C 2946
v.)	
)	Judge Virginia M. Kendall
COOK COUNTY, ILLINOIS;)	
THOMAS DART, COOK COUNTY)	
SHERIFF; TONI PRECKWINKLE,)	
COOK COUNTY BOARD)	
PRESIDENT; COOK COUNTY)	
BOARD OF COMMISSIONERS,)	
)	
Defendants.)	

RESPONSE TO MONITORS' REPORTS

NOW COME the Defendants, TONI PRECKWINKLE, PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS in her official capacity, and the COOK COUNTY BOARD OF COMMISSIONERS in their official capacities, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through Deputy State's Attorney Patrick T. Driscoll, Jr., and Assistant State's Attorney Donald J. Pechous, and respond to the Monitors' Reports.

INTRODUCTION

Toni Preckwinkle, President of the Cook County Board of Commissioners and the Cook County Board of Commissioners ("the County"), continue to demonstrate their dedication to constitutionally sound conditions of pre-trial confinement at the

Cook County Department of Corrections (“CCDOC”). The County has constantly maintained and improved conditions of confinement at the CCDOC complex. Those efforts have been documented by the Monitors through their reports to the Court and are encouraging. The reports reveal that the County is either in substantial compliance, or in partial compliance and moving toward substantial compliance, in all regards.

Facilities and Sanitation

The County is pleased to report that it has achieved, and importantly, is maintaining substantial compliance in all aspects of two major substantive portions of the Agreed Order according to the most recent report of Mr. Grenawitzke. The sprawling CCDOC complex presents an immense challenge in regards to maintenance issues. That challenge continues to be met. As Mr. Grenawitzke notes in his report detailing his observations during his site visit February 11-15, 2013, “[W]hen one considers the sheer number of provisions in the entire agreement and the complexity of solutions necessary to meet them, the progress to date is outstanding.”

In July of 2012, the County achieved substantial compliance with a major substantive portion of the Agreed Order, i.e. § III.F: Fire and Life Safety. Moreover, in the Monitor’s latest report of February 2013, the County achieved substantial compliance with a second major substantive portion of the Agreed Order, i.e., § III.G: Sanitation and Environmental Conditions.

The County anticipates that it will move to conclude those provisions after 18 months of substantial compliance as contemplated by the Agreed Order. *See Agreed Order, § VII.C.*

Jail Population

The County recognizes a need to remain vigilant in regards to high detainee population levels at the Jail. While detainees have been provided with permanent beds either in a cell or in a dormitory setting for a number of years and have not been required to sleep on a mattress on the floor, high jail population levels negatively impact jail conditions.

President Preckwinkle submits that systemic problems in the circuit court lead to delays and lengthy and costly detention at the CCDOC. In response to these problems, President Preckwinkle has asked the Illinois Supreme Court to assign a judge who is not from Cook County to clear the backlog of criminal cases.

Moreover, to help craft long-term solutions, President Preckwinkle has also asked the Supreme Court to establish a reform commission, headed by one of the justices. President Preckwinkle would like to see that panel authorize and oversee an external audit of Cook County courts. President Preckwinkle envisions that the panel would seek data on pretrial services, how cases move through the system, and how probation is used.

The County, through its Justice Advisory Council (“JAC”), continues to proactively seek solutions to a persistently near-capacity Jail population. The JAC has been awarded a \$450,000 grant from the MacArthur Foundation to improve the flow of verified information about defendants to judges sitting in bond court or hearing motions to reduce bond. The grant funds a team of county and contractual employees to interview defendants, family, friends, relatives and community members. The team will verify information about community ties and seek to improve the quality of representation regarding bonds. The grant includes an evaluation to be conducted by the Center for Public Safety and Justice, Institute of Government and Public Affairs, at the University of Illinois at Chicago. Dr. Laura Kunard will assess the effectiveness of the increased flow of information as a means of reducing the jail population.

The JAC has contracted with Professor Donald Steman, a nationally recognized expert of on prosecution and court processing to analyze data provided to the JAC by the Illinois Sentencing Policy Advisory Commission. His initial report indicates that the number of cases resolved within sixty days and six months has steadily and significantly declined. Thus, lower level felony cases that are proceeding more and more slowly, are contributing to lengthening jail stays and hence to overcrowding. Professor Stemen will produce quarterly reports.

On a recent visit to bond court in the Maywood Branch of the Circuit Court, JAC staff observed an especially well managed court call. The judge presiding

made frequent and specific references to risk assessments provided to her by the Pre Trial Services staff. When she relied on the risk assessment score in her ruling, she read the score into the record. A high percentage of defendants were released on I bonds or electronic monitoring. The visit underlined the fact that reliance on pretrial detention could be reduced within the existing structure if the judiciary is encouraged to follow the relevant Illinois statutes.

The JAC has observed that spikes in the jail population regularly occur during extended holiday weekends. Consequently, the JAC has written to Chief Judge Evans and suggested that additional court calls should be scheduled at the Leighton Courthouse before holidays. The JAC has not received a response to its suggestion. Unfortunately, the number of court calls has declined further.

Physical and Mental Health Services

In response to concerns voiced by Drs. Shansky and Metzner last year regarding staffing levels at Cermak Health Services, an extensive revamping of the hiring process was undertaken. The hiring process was streamlined as much as possible. Certain delays are inevitable and unavoidable due to restraints imposed by collective bargaining agreements and compliance with the Shakman Consent Decree.

Nonetheless, since November of 2012, dramatic and undeniable progress has been made in filling open, budgeted positions at Cermak. Since November 1, 2012, one hundred twenty-nine (129) positions have been filled. Presently, there are only

twenty (20) open positions at Cermak. Ten (10) of those positions are in various stages of process and will be filled in the next ninety (90) days. Consequently, Cermak is comfortably below Dr. Shansky's benchmark goal of a 5% vacancy rate.

Recent, significant hiring includes a new Assistant Pharmacy Director who is scheduled to start on September 23, 2013. Moreover, a Chief Psychiatrist, Dr. David Kelner, was hired and has been performing his duties for the last several months.

The Court has toured the new 950 bed Residential Treatment Unit building. That building is currently occupied only with General Population detainees. While the building is presently capable of housing detainees, all of the medical equipment is not yet installed. This has caused some short-term problems, particularly when a "new" detainee who needs x-rays must be moved from the new intake area to the old intake area where the equipment is currently housed. Those problems are indeed short-term though as the new x-ray equipment is currently being installed.

Cermak staff anticipate that the new building will be able to accept medical and mental, intermediate level, detainees by mid-November of 2013. While some growing pains are anticipated in connection with the new building, its opening will significantly improve the delivery of health services to the jail population. Current struggles with overcrowding in the medical and mental health infirmaries should be eliminated. Additionally, housing for disabled detainees with mobility issues will be greatly improved.

Preparation for opening the new building includes plans to increase staffing levels at Cermak Health Services. Currently there are 541 budgeted positions at Cermak. Plans are in place to increase that number by approximately 15% to 618, an addition of 77 positions. Significantly, included in those 77 positions are 6 new psychiatrists and 3 new psychologists. Accordingly, a marked upgrade to the delivery of mental health service is anticipated. Nursing care is also expected to benefit greatly. A nurse supervisor, 24 RNs and sixteen 16 LPNs will be added. Also included in the 77 new positions are 1 physician and 4 physician assistants.

While the opening of the new building is an inordinate task, Cermak staff remain undaunted. Any disagreements that have arisen in the past in connection with taking the new building on-line have been resolved. Cermak staff meet and confer regularly with CCDOC staff and report excellent communication and cooperation with the Sheriff's Office.

Finally, the parties actively continue to search for a new Medical Monitor. The parties expect, without undue delay, to jointly agree on a candidate for the position and, as soon as possible, present that individual to the Court to approve the appointment.

CONCLUSION

The Defendants, Toni Preckwinkle, President of The Cook County Board of Commissioners in her official capacity, and the Cook County Board of Commissioners in their official capacities, continue their dedication to achieving

substantial compliance with all aspects of the Agreed Order. The Defendants have consistently improved the delivery of health services, the facilities and the conditions of confinement for all detainees at the CCDOC.

The County is very pleased that it is in substantial compliance with the Agreed Order regarding the Jail facilities. The County remains committed, and is eager, to achieve substantial compliance with Order as it pertains to the delivery of health care.

Respectfully Submitted,

ANITA ALVAREZ
State's Attorney of Cook County

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